

DISPOSITION: October 23, 1943. The Harrison Baking Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for ségragation and destruction or denaturing of the unfit portion.

5867. Adulteration of frozen whole eggs. U. S. v. 621 Cans of Frozen Whole Eggs. Decree of condemnation. Product ordered released under bond for ségragation and destruction or denaturing of unfit portion. (F. D. C. No. 11458. Sample No. 57461-F.)

LIBEL FILED: December 18, 1943, Eastern District of New York.

ALLEGED SHIPMENT: From on or about May 5 to August 18, 1943, by the Sam Pollman Produce Co., Kansas City, Mo.

PRODUCT: 621 30-pound cans of frozen whole eggs at Brooklyn, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: January 20, 1944. Herman Lerich, New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for ségragation and destruction or denaturing of the unfit portion, under the supervision of the Food and Drug Administration.

5868. Adulteration of shell eggs. U. S. v. Glenn C. Roberts. Plea of guilty. Fine, \$300. (F. D. C. No. 10550. Sample No. 3291-F.)

INFORMATION FILED: September 23, 1943, Western District of Missouri, against Glenn C. Roberts, Kansas City, Mo.

ALLEGED SHIPMENT: On or about May 5, 1943, from the State of Missouri into the State of Kansas.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed and putrid substance.

DISPOSITION: December 14, 1943. The defendant having entered a plea of guilty, the court imposed a fine of \$300.

5869. Adulteration of shell eggs. U. S. v. 195 Cases of Shell Eggs. Decree of condemnation. Product ordered released under bond to be disposed of in compliance with the law. (F. D. C. No. 12182. Sample No. 60022-F.)

LIBEL FILED: April 15, 1944, Northern District of California.

ALLEGED SHIPMENT: On or about January 16, 1943, by O. Casperson & Sons, Hutchinson, Kans.

PRODUCT: 195 cases of shell eggs at San Francisco, Calif.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 22, 1944. O. Casperson & Sons, claimant. Judgment of condemnation was entered and the product was ordered released under bond to be made to conform with the law, under the supervision of the Food and Drug Administration. The unfit portion was segregated and destroyed.

5870. Adulteration and misbranding of Eggine. U. S. v. Chas. T. Morrissey (Chas. T. Morrissey & Co.) Plea of guilty Fine of \$100, and defendant placed on probation for 2 years. (F. D. C. No. 10595. Sample Nos. 3723-F, 14767-F, 32078-F, 32079-F.)

INFORMATION FILED: December 22, 1943, Northern District of Illinois, against Chas. T. Morrissey, trading as Chas. T. Morrissey & Co., Chicago, Ill.

ALLEGED SHIPMENT: From on or about January 19 to April 16, 1943, from the State of Illinois into the States of California and Indiana.

LABEL, IN PART: "Eggine An Artificial Egg Product Derived From Milk Maize and Soda With Certified Food Color Added * * * Use the Same Way as Eggs For Baking and Cooking."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (4), in that artificial color had been added to the product, or mixed or packed therewith, so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (a), in that statements in the labeling were false and misleading since they represented and suggested that the food, when used instead of eggs, would give the same results in baking and cooking; that 1 teaspoonful of the product would give the same results as 1 egg when used in baking and cooking; that one 25-cent can of the product would take the

place of 3 dozen eggs, and that a 10-cent package would take the place of 1 dozen eggs; and that the food complied with the Pure Food Law (the Federal Food, Drug, and Cosmetic Act), whereas such statements were not true. The product was further misbranded, Section 403 (i) (2), in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: April 25, 1944. A plea of guilty was entered and the defendant was fined \$100 and placed on probation for 2 years.

FEEDS AND GRAINS

5871. Misbranding of cottonseed meal. U. S. v. Temple, Cotton Oil Co. Plea of nolo contendere. Fine, \$50. (F. D. C. No. 8838. Sample No. 26285-F.)

INFORMATION FILED: April 23, 1943, Eastern District of Arkansas, against the Temple Cotton Oil Co., a corporation, Little Rock, Ark.

ALLEGED SHIPMENT: On or about July 21, 1942, from the State of Arkansas into the State of Kansas.

LABEL, IN PART: "Quapaw Brand 41% Protein Cottonseed Meal."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statements on the label, "41% Protein Cottonseed Meal * * * Guaranteed Analysis Protein 41.00%," were false and misleading since the article contained not more than 39.13 percent of protein.

DISPOSITION: September 27, 1943. A plea of nolo contendere was entered on behalf of the defendant, and a fine of \$50 was imposed.

5872. Misbranding of Dailey's Feeds. U. S. v. Dailey Mills, Inc. Plea of guilty. Fine of \$250 on first count. Imposition of sentence suspended on remaining counts. (F. D. C. No. 10567. Sample Nos. 26496-F, 26500-F, 33121-F, 33122-F.)

INFORMATION FILED: On October 16, 1943, in the Northern District of New York, against the Dailey Mills, Inc., Binghamton, N. Y.

ALLEGED SHIPMENT: On or about February 1 and 12 and March 11, 1943, from the State of New York into the States of Delaware and Maryland.

LABEL, IN PART: "Dailey's Feeds, Starter and Broiler Mash," "'Super' 20% Dairy Ration," "Laying Mash," or "'Super' Growing Mash."

VIOLATION CHARGED: Misbranding, Section 403 (a), in that the statements (Starter and Broiler Mash, Dairy Ration, and Laying Mash), "Guaranteed Analysis Protein 20%," and (Growing Mash) "Guaranteed Analysis Protein 18%," borne on the tags attached to the sacks containing the articles, were false and misleading since the articles contained less protein than declared.

DISPOSITION: December 7, 1943. A plea of guilty was entered. A fine of \$250 was imposed on the first count; imposition of sentence was suspended on the remaining 3 counts.

FISH AND SHELLFISH

5873. Adulteration of frozen buffalo fish. U. S. v. 2,173 Pounds of Buffalo Fish. Default decree of condemnation and destruction. (F. D. C. No. 12183. Sample No. 76411-F.)

LIBEL FILED: April 14, 1944, Southern District of New York.

ALLEGED SHIPMENT: On or about February 29 and March 2, 1944, by D. J. Breaux, Krotz Spring, La., and on or about March 2, 1944, by the Sexton Fish Co., Rosedale, La.

PRODUCT: 2,173 pounds of buffalo fish at New York, N. Y.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: May 1, 1944. No claimant having appeared, judgment of condemnation was entered and the product ordered destroyed.

5874. Adulteration of frozen fish. U. S. v. 283 Boxes of Croakers (and 3 other seizure actions against croakers). Tried to the court. Decree of condemnation. Product ordered released under bond for segregation and disposition of unfit portion for purposes other than human consumption. (F. D. C. Nos. 11052, 11073, 11211, 11254. Sample Nos. 34567-F, 34573-F, 34581-F, 34582-F, 34586-F, 34594-F, 34595-F.)

LIBELS FILED: Between November 4 and December 10, 1943, Southern District of Florida.